



Report to Council

27 JANUARY 2010

LEADER

*Councillor Stephen
Greenhalgh*

CHANGING GOVERNANCE ARRANGEMENTS

The Local Government and Public Involvement in Health Act 2007 ("the Act") requires all Councils to change their decision making arrangements by May 2010.

Council, at its last meeting held in October 2009, indicated a preference for the new style Leader and Cabinet Executive governance model to be operational from the third day after the May 2010 local elections, and agreed that a further report be brought to a Special Meeting of Council in January 2010, at which a final decision will be taken.

**Wards
All**

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATIONS:

Council is asked to :

- a) adopt the new style Leader and Cabinet executive model with effect from the third day after the local elections in May 2010;
- b) agree that the Leader may be removed by a resolution of full Council;
- c) agree the main constitutional changes detailed in Appendix 1 and note that further changes could be made later in the municipal year.

1. BACKGROUND

The Council, at its meeting on 28 October 2009, considered the results of a public consultation on the proposed new executive governance arrangements. At the meeting, the new style Leader and Cabinet model was indicated as being the preferred executive arrangement model. A timetable for the implementation of the proposals was agreed, as well as the fact that a document explaining the proposals should be made available for public inspection and a notice advising of the proposals be published in a local newspaper.

2. THE CONSULTATION

Following the decision, the proposal attached as **Appendix 2** to this report, was publicised locally during November and December 2009. Publicity included:

- making copies of a document setting out the proposals available for public inspection at the Town Hall;
- making the proposals available to view on the Council's website; and
- publishing a notice in H&F News describing the main features of the proposals and explaining where interested parties can view them.

The Council did not receive any response to the publicity undertaken. The Council is now asked to confirm that it wishes to adopt the new Leader and Cabinet Model and thus confirm its indicative decision taken in October 2009.

3. FEATURES OF THE NEW STYLE LEADER AND CABINET EXECUTIVE MODEL

The new arrangements, if adopted, will be as follows:-

- The Leader of the Council will be elected by the Council for a four year term at the Annual Council Meeting in May 2010;
- The Leader may appoint up to 9 members to the Cabinet and have the power to remove them;
- The Leader must appoint one of the members of the Cabinet to be his or her deputy;
- The Deputy Leader will hold office until the end of the term of the Leader;
- The Leader may remove the Deputy Leader from office;
- If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in place of the Leader;
- The Leader may be removed from office by a resolution of Full Council;
- All executive power will flow through the Leader who decides what to delegate to the Cabinet. The Leader retains the authority to discharge any executive function him or herself, or to delegate them to the Cabinet, a member of the Executive, a committee of the Executive or an officer.

4. PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Crucially, the Local Government and Public Involvement and Health Act 2007 (LGPIHA) vests in the new style leader all of the authority's executive functions. He/she will have the power to determine how these powers are to be discharged - either by him or herself, or he or she can delegate them to the Cabinet, a committee of the cabinet, individual members of the Cabinet or officers.

This new proposal will require some amendments to the Council's constitution. Outlined in Appendix 1 are the significant changes which require approval for the new governance model to operate. A further report will be submitted to Council later in the year outlining other constitutional changes, particularly identifying the Executive and Non-Executive functions to be exercised the Leader and Council respectively.

5. CONCLUSION

The Local Government and Public Involvement in Health Act 2007 required all Councils to review their governance arrangements by 31 December 2009. In taking this decision to adopt the new style Leader and Cabinet Executive governance arrangements the London Borough of Hammersmith and Fulham would be in a position to operate under the new arrangements come May 2010.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

6.1 There are no financial implications arising from this report.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

7.1. Under the Act, the Council is required to change its executive arrangements to either the strong leader and executive model or the elected Mayor and Cabinet model. Whilst under the Act the resolution is to be made before 31 December 2009, the transitional arrangements in Schedule 4 of the Act allow a Council opting for the Leader and Cabinet model to do so before the end of the "transitional period" which ends on 9 May 2010. This enables the Council to deal with the matter at a special meeting following the January Council meeting rather than at a special meeting in December.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Local Government and Public Involvement in Health Act 2007 and Guidance notes	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.
2.	Review of Governance Arrangements report to Council on 25 May and 28 th October 2009	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.